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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,884	02/15/2001	Amit Phadnis	CSCO-002 (CPOL 94701)	4202
86421	7590	08/29/2011		
Patent Capital Group - Cisco 2816 Lago Vista Lane Rockwall, TX 75032			EXAMINER CHANKONG, DOHM	
			ART UNIT 2452	PAPER NUMBER
			NOTIFICATION DATE 08/29/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/785,884	PHADNIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DOHM CHANKONG	2452	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1,2,6-10,12-15,18-21,25,27-30,32-37,44-50,59,60 and 67-85 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1, 2, 6-10, 12-15, 18-21, 25, 27-30, 32-37, 44-50, 59, 60, and 67-85 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

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### **DETAILED ACTION**

This non-final rejection is in response to Applicant's request for continued examination filed on 4/8/2011. Applicant amends 1, 10, 15, 21, 25, 30, 37, 42, and 47-50 and previously cancelled claims 3-5, 11, 16, 17, 22-24, 26, 31, 38-41, 43, 51-58, and 61-66. Accordingly, Applicant presents claims 1, 2, 6-10, 12-15, 18-21, 25, 27-30, 32-37, 44-50, 59, 60, and 67-85 for further examination.

#### **I. CONTINUED EXAMINATION UNDER 37 CFR 1.114**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/8/11 has been entered.

#### **II. ALLOWABLE SUBJECT MATTER**

The previous action had allowed claims 1, 2, 6-9, 15, 18-20, 21, 37, 59, 67-69, 73-79, 81, and 84. This indication of allowance is withdrawn in light of a new § 112 rejection which follows in the next section.

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### III. CLAIM REJECTIONS – 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- A. Claims 1, 2, 6-10, 12-15, 18-21, 25, 27-30, 32-37, 44-50, 59, 60, and 67-85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

#### **Claims 1 and 21**

Claim 1 is rejected for containing confusing claim language. Claim 1 lacks proper antecedent basis for “the plurality of PPP sessions”, “the status of sessions supported by said aggregation device”, and “the information in said aggregated reply packet.”

Moreover, the limitation “indicates the status of sessions supported by the aggregation device” is confusing because it is not clear if the term “sessions” is intended to be different or the same as the other “sessions” previously claimed. If the former, then the term should be amended to distinguish (e.g., first sessions, second sessions, etc). If the latter, then the term should be amended to reflect the antecedent basis (e.g., the sessions).

And the limitation “updating with the status of PPP sessions” is confusing because the claim recites receiving a reply packet that indicates “a status of at least some of the plurality of PPP sessions.” It is therefore not clear which PPP sessions are being updated if the aggregation device only receives a status of “some” of them.

Appropriate clarification is required.

#### **Claim 2**

Claim 2 lacks proper antecedent basis for “the status of said plurality of sessions.”

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**Claim 6**

Claim 3 lacks proper antecedent basis for "said proxy keep-alive message" and "the corresponding session."

**Claim 7**

Claim 7 lacks proper antecedent basis for "the status of each of said session."

**Claim 10**

Claim 10 lacks proper antecedent basis for "updated with the status of the PPP sessions." The term "the aggregation device" is confusing because it is not clear if it is referring to "a peer aggregation device."

The limitation "indicates status of sessions supported by the aggregation device" is confusing because it is not clear if the term "sessions" is intended to be different or the same as the other "sessions" previously claimed. If the former, then the term should be amended to distinguish (e.g., first sessions, second sessions, etc). If the latter, then the term should amended to reflect the antecedent basis (e.g., the sessions).

**Claim 15**

Claim 15 lacks proper antecedent basis for "updated with the status of the PPP sessions" and "the information in said aggregated reply packet."

**Claim 20**

Claim 20 lacks proper antecedent basis for "the corresponding sessions."

**Claim 21**

Claim 21 lacks proper antecedent basis for "updated with the status of the PPP sessions" and "the status of sessions supported by said aggregation device." Moreover, the limitation

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"indicates the status of sessions supported by the aggregation device" is confusing because it is not clear if the term "sessions" is intended to be different or the same as the other "sessions" previously claimed. If the former, then the term should be amended to distinguish (e.g., first sessions, second sessions, etc). If the latter, then the term should be amended to reflect the antecedent basis (e.g., the sessions).

### **Claims 25 and 42**

Claim 25 contains confusing claim language with respect to the aggregated reply packet. The limitations "generating an aggregated reply packet indicating the status of said plurality of point-to-point sessions" and "the aggregated reply packet indicates a status of at least some of the plurality of PPP sessions" seem contradictory.

Given the former limitation, the latter limitation can only seem to be interpreted as indicating a status of all sessions and not just "some" sessions. If that's the proper interpretation, then the language that the packet indicates "at least some" sessions should be amended accordingly. If not, then the limitations conflict and the term "a status" of at least some of the sessions has confusing antecedent basis with "the status" in the former limitation.

Moreover, the limitation "indicates status of sessions supported by the aggregation device" is confusing because it is not clear if the term "sessions" is intended to be different or the same as the other "sessions" previously claimed. If the former, then the term should be amended to distinguish (e.g., first sessions, second sessions, etc). If the latter, then the term should be amended to reflect the antecedent basis (e.g., the sessions).

Claim 42 is rejected for similar reasons.

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**Claim 30**

Claim 30 lacks proper antecedent basis for "updated with the status of the PPP sessions."

The limitation "indicates status of sessions supported by the aggregation device" is confusing because it is not clear if the term "sessions" is intended to be different or the same as the other "sessions" previously claimed. If the former, then the term should be amended to distinguish (e.g., first sessions, second sessions, etc). If the latter, then the term should be amended to reflect the antecedent basis (e.g., the sessions).

**Claim 37**

Claim 37 is rejected for lacking proper antecedent basis for "said remote status table."

The claim only recites "a local status table." Claim 37 is further rejected for the confusing limitations "the aggregated reply packet indicates a status of at least some of the plurality of sessions" and "local status table is updated with the status of the PPP sessions." The limitations lack consistent antecedent basis.

**Claim 47**

Claim 47 is rejected for having confusing antecedent basis. The limitation "the status of said PPP sessions" lacks proper antecedent basis; the prior limitation recites "a status of a corresponding PPP session." Similarly, the limitation "the status of said plurality of sessions" lacks proper antecedent basis. The limitation "the status of the PPP sessions" seems to correspond to "the status of said PPP sessions" but the discrepancy in using "the" and "said" makes the relationship unclear. Applicant seems to be using a variety of terms to refer to the same thing; Applicant needs to amend the claim to maintain consistent language.

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The limitation "indicates status of sessions supported by the aggregation device" is confusing because it is not clear if the term "sessions" is intended to be different or the same as the other "sessions" previously claimed. If the former, then the term should be amended to distinguish (e.g., first sessions, second sessions, etc). If the latter, then the term should be amended to reflect the antecedent basis (e.g., the sessions).

**Claims 68, 71, 74, 77**

Claim 68 lacks proper antecedent basis for "said identifier of each of said plurality of keep-alive messages." The limitation "forming said aggregated request packet from said identifiers" is confusing because the claim refers to "an identifier of a corresponding PPP session" and "said identifier" of the keep-alive messages.

Claims 71, 74, and 77 are rejected for similar reasons.

**All other dependent claims**

Any dependent claims not explicitly rejected above are rejected based on their dependency on their deficient parent claim.

**IV. CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/  
Primary Examiner, Art Unit 2452